

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOHAMMED AZAD, et al.,

Plaintiffs,

v.

TOKIO MARINE HCC - MEDICAL
INSURANCE SERVICES GROUP, et al.,

Defendants.

Case No. 17-cv-00618-PJH

**ORDER DISMISSING CASE WITH
PREJUDICE AND STRIKING
VOLUNTARY DISMISSAL**

Re: Dkt. Nos. 98, 99

As explained below, because there is no longer a case or controversy in front of the court, the case is DISMISSED WITH PREJUDICE. The court also STRIKES proposed plaintiff Ladan Abdollahi's notice of voluntary dismissal.

On February 7, 2017, plaintiffs Mohammed Azad and Danielle Buckley initiated this putative class action. Dkt. 1.

After complete briefing and hearing on the matter, on July 14, 2017, the court granted defendants' motions to dismiss. Dkt. 86. Plaintiffs were granted leave to file an amended complaint by August 7, 2017. Id. at 18. However, plaintiffs were prohibited from adding claims or parties without leave of court or stipulation of defendants. Id.

On August 3, 2017, plaintiffs Azad and Buckley accepted settlement offers from HCC Medical Insurance Services, LLC and HCC Life Insurance Company (together, "HCC"). Dkt. 96-1 ¶ 2. On August 4, 2017, the parties stipulated to a two-week extension for plaintiffs to file an amended complaint. In its order granting the stipulated extension, the court reiterated that "if plaintiffs intended to add or substitute new class representatives, they must either obtain the consent of the defendants, or file a motion for

1 leave of court by the" August 21, 2017 deadline. Dkt. 88.

2 On August 17, 2017, Azad and Buckley executed settlement agreements releasing
3 all claims against HCC. Id. On August 21, 2017, plaintiffs timely filed a motion for leave
4 to amend the complaint. Dkt. 89. The proposed amended complaint sought substitution
5 of a new plaintiff and class representative, Ladan Abdollahi. Dkt. 89-1. On August 31,
6 2017, the parties' stipulation extending the time for defendants to respond to the motion
7 to September 12, 2017, was approved by the court. Dkt. 93.

8 On September 11, 2017, Azad and Buckley voluntarily dismissed, with prejudice,
9 all claims made against all defendants in this action. Dkt. 94-95.

10 Notwithstanding that dismissal, defendants filed their opposition to the motion to
11 amend on September 12, 2017. Dkt. 96. On September 19, 2017, proposed plaintiff
12 Abdollahi withdrew her motion for leave to amend. Dkt. 97. The next day, proposed
13 plaintiff Abdollahi filed a notice of voluntary dismissal of her claims. Dkt. 98.

14 The court finds that this case must now be DISMISSED WITH PREJUDICE. The
15 named plaintiffs, Azad and Buckley, voluntarily dismissed their claims against all
16 defendants on September 11, 2017, WITH PREJUDICE. While plaintiffs did meet the
17 deadline to file a motion to amend the complaint, that motion has now been withdrawn
18 without the court either granting or denying it. At this time, therefore, there is neither a
19 named plaintiff nor an operative complaint. "As a result, there is no live case or
20 controversy to be decided within the meaning of Article III of the United States
21 Constitution." Garcia v. Lane Bryant, Inc., No. 11-1566C, 2012 WL 293544, at *3 (E.D.
22 Cal. Jan. 31, 2012) (internal quotation marks omitted); Employers-Teamsters Local Nos.
23 175 & 505 Pension Tr. Fund v. Anchor Capital Advisors, 498 F.3d 920, 924 (9th Cir.
24 2007) ("[A] suit brought as a class action must as a general rule be dismissed for
25 mootness when the personal claims of all named plaintiffs are satisfied and no class has
26 been properly certified.").

27 The court also STRIKES proposed plaintiff Abdollahi's notice of voluntary
28 dismissal. Ladan Abdollahi withdrew her proposed complaint before it was ever

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approved by the court. Abdollahi is therefore not a party to this case and has no claims against any defendant to voluntarily dismiss.

The Clerk shall close the case.

IT IS SO ORDERED.

Dated: September 22, 2017



PHYLLIS J. HAMILTON
United States District Judge